

1816

REMARKS

Claim 1 has been amended to incorporate subject matter that was contained in dependent claim 8.

Claim 8 was rejected based upon the combination of the McKnight '912 and Hare '796 references. With regard to the rejection of claim 8, it is noted that the examiner has acknowledged in paragraph 12 of the Action that the McKnight reference "does not explicitly disclose the loader arms abutting the lifting arms." The Hare reference was relied upon as disclosing that the loader arms are secured to the lifting arms, and as disclosing that the loader arms extend below the lifting arms and abut the undersides of the lifting arms. For the reasons that follow, neither of those references discloses or suggests the loader structure as it is claimed in further amended claim 1 as hereinabove presented.

The McKnight reference does not disclose "attachment of the loader arms to respective tractor-mounted lifting arms," as claimed in amended claim 1. Instead, the lifting arms, which the examiner identified as elements 25, and the loader arms, which the examiner identified as elements 18, are not connected but are spaced from each other as clearly shown in Figures 1, 2, and 3 of the McKnight reference. As taught by McKnight, "Bucket support arms 18 [corresponding to loader arms 5 and 6 of the present invention] extend longitudinally in parallel spaced relation from each end of member 15" (see McKnight, col.3, lines 20-21). And end member 15 is the transverse base member of the bucket support frame, the outer ends of which are secured to upright end members 16 (see McKnight, col. 3, lines 13-16). Also connected to

1816

upright end members 16, and with pins 27, are bar means 25 (the lifting arms) which the McKnight reference refers to as "rearwardly extending bar means 25, FIGURES 1, 2, 3, 4 and 5, which interconnect[s] to ...a pin sleeve connection, generally designated 27, on frame 11" (McKnight, col. 3, lines 46-49). But as clearly evident from Figures 1, 2, 3, and 5 of McKnight, pin sleeve connection 27 is above and is spaced from transverse base member 15, to which bucket support arms 18 (the loader arms) are attached. Consequently, the McKnight reference does not disclose or suggest "attachment of the loader arms to respective tractor-mounted lifting arms," as claimed in amended claim 1.

In addition to the foregoing distinction, the examiner's acknowledgement that the McKnight reference "does not explicitly disclose the loader arms abutting the lifting arms," means that the McKnight reference neither anticipates nor renders obvious the invention as it is claimed in amended claim 1. In fact, it discloses a different structural arrangement and thus it teaches away from the claimed invention.

The Hare reference also does not disclose "attachment of the loader arms to respective tractor-mounted lifting arms," as claimed in amended claim 1. The lifting arms 14, 16 are not attached to the loader arms 55a, 55b, the latter of which are components of yoke 56. Instead, both the loader arms 55a, 55b and the lifting arms 14, 16 are attached not to each other, as claimed herein, but are each attached to an intermediate member, cross member 57 as shown in Figures 3 and 4. As described in the Hare reference,

Yoke 56, comprising a pair of spaced leg members 55a and 55b secured to cross member 57, forms a frame for attachment to the

three-point hitch. Yoke 56 has lugs 62 and 64 welded or otherwise secured to cross member 57 thereof which are attached to lower bars 14 and 16 of the three-point hitch by a pin 66 extending through the lugs 62 and 64 and the ends of arms 14 and 16 and is secured thereto by means such as cotter pins 68. (Hare, col. 3, lines 19-27).

Thus, the Hare reference clearly shows in the drawings and describes in the text that the loader arms are not connected to respective tractor-mounted lifting arms – they are spaced from each other and each is connected to cross member 57 at laterally spaced points.

The Hare reference also does not disclose loader arms extending below and abutting undersides of respective lifting arms, as recited in amended claim 1. In the Hare reference lower bars 14, 16 do not abut an underside of a respective lifting arm 55a, 55b. As seen in Figure 1 of the Hare reference, an end of lower bar 14 is pivotally connected to pin 66, which, in turn, is pivotally connected to yoke 56 and its leg members 55a, 55b and cross member 57. Thus, leg members 55a, 55b (the loader arms) have complete rotational freedom relative to lower bars 14, 16 (the lifting arms), and the loader arms do not abut an underside of a respective lifting arm, as claimed herein, but are laterally spaced therefrom as clearly seen in Figure 3. Consequently, the Hare reference also does not show or suggest the claimed invention.

Because neither the McKnight nor the Hare reference teaches or suggests attachment of loader arms to respective tractor-mounted lifting arms, as claimed in amended claim 1, and because neither of those references teaches or suggests loader arms extending below and abutting undersides of respective lifting arms, also as claimed in amended claim 1, even if they were to be

1816

combined in some way, any such combination also would fail to teach or suggest the invention as claimed in amended claim 1. Structure that is not shown or described in either of the references individually cannot be present in any combination of the references.

Claims 3-5, 7, and 8 each depend from amended claim 1, either directly or indirectly, and therefore each of those dependent claims is also not obvious from any combination of the McKnight and Hare references, and for the same reasons as are given above in connection with amended claim 1. Furthermore, the dependent claims include additional recitations that further distinguish the invention as so claimed from the teachings of those references.

Based upon the foregoing amendments and remarks, the claims as they now stand in the application are believed clearly to be in allowable form in that they patentably distinguish over the disclosures contained in the references that were cited and relied upon by the examiner, whether those references be considered in the context of 35 U.S.C. § 102 or of 35 U.S.C. § 103. Consequently, this application is believed to be in condition for allowance, and reconsideration and reexamination of the application is respectfully requested with a view toward the issuance of an early Notice of Allowance.

Because amended claim 1 is a combination of preexisting claim 1 and a portion of preexisting claim 8, the foregoing amendment of claim 1 does not introduce a new issue that would require further consideration or search. This amendment is therefore entitled to be entered for purposes of appeal in the event the examiner were to conclude that this application as so amended is not allowable.

1816

The examiner is cordially invited to telephone the undersigned attorney if this amendment raises any questions, so that any such question can be quickly resolved in order that the present application can proceed toward allowance.

Respectfully submitted,



March 10, 2009

Alfred J. Mangels
Reg. No. 22,605
4729 Cornell Road
Cincinnati, Ohio 45241
Tel.: (513) 469-0470